THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :14509 of 2005

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Dated: 06.09.2005

Between:

The Secretary to Government, Finance & Planning,

Secretariat, Hyderabad and two others.

.. **Petitioners**

And

1. Late Sri B. Chandra Sekhar Raju,

S/o Narayan Raju, and three others.

.. **Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :14509 of 2005

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of Certiorari, to set aside the order of the A.P. Administrative Tribunal, Hyderabad in O.A.No.7324 of 1997, dated 19.01.2001.

The writ petitioners herein are the respondents and the 1st respondent herein is the applicant in the O.A.

The brief facts in the O.A. are that on the allegation of embezzlement of amount of Rs.30,961.40 ps., criminal as well as departmental proceedings were initiated against the applicant. During the pendency of these proceedings, the applicant was suspended. As the department has not yet completed the enquiry, the applicant approached the Tribunal as well as this Court. Despite the direction by the tribunal as well as by this Court in WPMP No.5887 of 1985 in W.P.No.4141 of 1985, as the applicant was not reinstated, he filed a Contempt Application. While so, the department, having found the applicant guilty, disposed of the departmental proceedings and dismissed the applicant, but he was acquitted in all the criminal proceedings. Aggrieved by his dismissal from service, the applicant filed the present O.A. The Tribunal allowed the petition and directed the department to reinstate the applicant forthwith into service. It is further observed that the applicant is entitled to all the consequential benefits. Hence, the present writ petition is filed by the respondents.

Heard the learned Counsel and perused the material available on record.

After disposal of the O.A., the original applicant died on 29.6.2001. Therefore, by bringing the L.Rs. of the applicant on record, the respondents have filed the present writ petition.

Heard the learned counsel.

It is the main contention of the learned G.P. for Services-II that as per the orders of the Tribunal, they are entitled to the amount embezzled by the applicant.

A perusal of the order clearly goes to show that in all the criminal proceedings, the applicant was acquitted and the civil suit filed against the applicant for recovery of embezzled amount has also ended in favour of the applicant. No material is placed before us that any appeal has been preferred against the civil suit. Therefore, there is no other go except to hold that the decree and judgment passed in the civil suit filed by the respondents, have become final. In this regard, the tribunal is justified in holding that in the civil suit, the respondents have failed to establish the charges which are almost identical to that of the charges in the criminal proceedings as well as the departmental proceedings.

In this background of the matter, we have no hesitation to hold that there is no irregularity or illegality in the order impugned and hence, we see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed confirming the order of the Tribunal. No costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 06.09.2005

Nn.